

WYC:SCF

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M11-224

- - - - -X

UNITED STATES OF AMERICA

- against -

AYMAN SAYED YOUSSEF,

Defendant.

AFFIDAVIT IN SUPPORT OF
REMOVAL TO THE
DISTRICT OF COLORADO

(Fed. R. Crim. P. 5(c))

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

CHRISTIAN ALBANESE, being duly sworn, deposes and says that he is a Special Agent with the Department of Homeland Security, Homeland Security Investigations, duly appointed according to law and acting as such.

Upon information and belief, on October 18, 2010, an arrest warrant was issued by the United States District Court for the District of Colorado, case number 10-cr-00527-MSK, commanding the arrest of the defendant AYMAN SAYED YOUSSEF, pursuant to an indictment charging him with Bank Fraud in violation of Title 18, United States Code, Section 1344.

The source of your deponent's information and the grounds for his belief are as follows:

1. On October 18, 2010, an arrest warrant was issued by the United States District Court for the District of Colorado, case number 10-cr-00527-MSK, commanding the arrest of the defendant AYMAN SAYED YOUSSEF, pursuant to an indictment charging him with Bank Fraud in violation of Title 18, United States Code, Section 1344. A copy of the arrest warrant and indictment are

attached hereto.

2. On March 1, 2011, the defendant, a citizen of Egypt, and a lawful permanent resident of the United States, arrived at John F. Kennedy International Airport ("JFK") in Queens, New York, aboard Egypt Air Flight number 985 from Cairo, Egypt.

3. Upon his arrival at JFK, the defendant presented his Lawful Permanent Resident ("LPR") Card for admission to the United States. Upon entering the defendant's LPR Card into a Customs and Border Protection integrated system, CBP officers were alerted to the fact that there was an outstanding warrant issued in Colorado, which sought the defendant's arrest. CBP officers detained the defendant and contacted agents from Homeland Security Investigations.

4. Upon their arrival, HSI agents questioned the defendant and obtained certain identifying information from him including his name, date of birth, social security number, alien registration number and physical address in the United States.

5. Thereafter HSI agents at JFK Airport communicated with the law enforcement agents seeking the defendant's arrest on bank fraud charges in District of Colorado case number 10-cr-00527-MSK. Those officers provided HSI agents with a Customs Fugitive Report, which identified the individual sought in the Colorado action. The officers also provided a picture of the defendant. The name, date of birth and social security number included on the Customs Fugitive Report match the name, date of

birth and social security number provided by the defendant to agents at JFK Airport. The picture appears to depict the defendant.

6. Upon further questioning the defendant admitted to HSI agents that he was AYMAN SAYED YOUSSEF, but denied knowing that there was a warrant seeking his arrest.

7. It is the desire of the United States Attorney for the District of Colorado that the defendant AYMAN SAYED YOUSSEF be removed to that district for prosecution.

WHEREFORE, it is requested that the defendant AYMAN SAYED YOUSSEF be removed to the District of Colorado so that he may be dealt with according to law.



CHRISTIAN ALBANESE
Special Agent
Homeland Security Investigations

Sworn to before me this
2nd day of March, 2011

SE

EASTERN DISTRICT OF NEW YORK

AO 442 (Rev. 01/09) Arrest Warrant

UNITED STATES DISTRICT COURT

for the
District of Colorado

United States of America
v.

Case No. 10-cr-00527-MSK

Ayman Sayed Youssef
Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay
(name of person to be arrested) Ayman Sayed Youssef,
who is accused of an offense or violation based on the following document filed with the court:

☒ Indictment ☐ Superseding Indictment ☐ Information ☐ Superseding Information ☐ Complaint
☐ Probation Violation Petition ☐ Supervised Release Violation Petition ☐ Violation Notice ☐ Order of the Court

This offense is briefly described as follows:

Bank Fraud in violation of 18 United States Code Section 1344.

Date: 10/18/2010

s/N. Marble

Issuing officer's signature

City and state: Denver, Colorado

Gregory C. Langham, Clerk, U.S. District Court

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____.

Date: _____

Arresting officer's signature

Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Criminal Case No.

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. **AYMAN SAYED YOUSSEF,**

Defendant.

INDICTMENT
18 U.S.C. § 1344

The Grand Jury charges that:

COUNTS ONE THROUGH TWENTY

1. Beginning in or about June 2010 and continuing through in or about July 2010, in the State and District of Colorado and elsewhere, the defendant,

AYMAN SAYED YOUSSEF,

devised a scheme to defraud financial institutions, and to obtain money and property from said financial institutions, by materially false and fraudulent pretenses, representations and promises.

2. It was part of the scheme to defraud that:

a. The defendant opened bank accounts at several financial institutions located in Colorado and Georgia.

b. The defendant then deposited checks drawn on one bank account into

another bank account for the purpose of artificially inflating the balances in the accounts, and thus deceiving financial institutions into honoring and paying checks drawn on the accounts (a practice known as "check kiting").

c. The defendant uttered and passed, and attempted to utter and pass, checks on the artificially-inflated bank accounts made payable to himself or others.

d. The defendant also withdrew cash from the artificially-inflated bank accounts.

e. In executing the scheme to defraud, the defendant also utilized cash obtained by executing a credit card "bust-out" scheme, in which he fraudulently ran credit cards through a point of sale associated with his business, the Italian Garden restaurant located in Georgia.

3. On or about the dates listed below, in the District of Colorado, the defendant, **AYMAN SAYED YOUSSEF**, knowingly executed and attempted to execute the scheme to defraud described herein, by withdrawing and attempting to withdraw money from bank accounts at the federally insured financial institutions listed below in the approximate amounts listed below:

COUNT	DATE	FINANCIAL INSTITUTION & ACCOUNT NUMBER	TRANSACTION TYPE	PAYEE	AMOUNT
ONE	7/1/2010	Alpine Bank 7717185366	ATM Withdrawal	YOUSSEF	\$100.00
TWO	7/1/2010	Bank of Colorado 7415027906	ATM Withdrawal	YOUSSEF	\$140.00
THREE	7/6/2010	Alpine Bank 7717185366	ATM Withdrawal	YOUSSEF	\$500.00

FOUR	7/6/2010	Bank of Colorado 7415027906	ATM Withdrawal	YOUSSEF	\$500.00
FIVE	7/6/2010	Alpine Bank 7717185366	ATM Withdrawal	YOUSSEF	\$500.00
SIX	7/7/2010	Bank of Colorado 7415027906	ATM Withdrawal	YOUSSEF	\$500.00
SEVEN	7/7/2010	Bank of Colorado 7415027906	POS Purchase	Wal Mart	\$500.00
EIGHT	7/7/2010	Alpine Bank 7717185366	ATM Withdrawal	YOUSSEF	\$500.00
NINE	7/7/2010	Alpine Bank 7717185366	POS Purchase	Wal Mart	\$1000.00
TEN	7/7/2010	Wells Fargo 5739105475	POS Purchase	Target	\$662.00
ELEVEN	7/7/2010	Wells Fargo 5739105475	ATM Withdrawal	YOUSSEF	\$500.00
TWELVE	7/8/2010	Wells Fargo 5739105475	ATM Withdrawal	YOUSSEF	\$202.50
THIRTEEN	7/8/2010	Wells Fargo 5739105475	ATM Withdrawal	YOUSSEF	\$102.50
FOURTEEN	7/12/2010	Wells Fargo 5739105475	POS Purchase	Wakeeny 24/7	\$24.06
FIFTEEN	7/12/2010	Wells Fargo 5739105475	POS Purchase	Arby's	\$6.79
SIXTEEN	7/13/2010	Wells Fargo 5739105475	POS Purchase	Shell Oil Co.	\$46.13
SEVEN-TEEN	7/13/2010	Wells Fargo 5739105475	POS Purchase	Shell Oil Co.	\$13.00
EIGHTEEN	7/13/2010	Wells Fargo 5739105475	POS Purchase	Arby's	\$6.39
NINETEEN	7/13/2010	Wells Fargo 5739105475	POS Purchase	Subway	\$4.88

TWENTY	7/13/2010	Wells Fargo 5739105475	POS Purchase	KTA Tolls	\$2.75
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COUNTS TWENTY-ONE THROUGH FORTY

1. Paragraphs 1 and 2 of Counts One through Nineteen are hereby realleged as if set forth fully herein.

2. On or about the dates listed below, in the State and District of Colorado and elsewhere, the defendant, **AYMAN SAYED YOUSSEF**, knowingly executed and attempted to execute the scheme to defraud described herein by fraudulently uttering and passing, and attempting to fraudulently utter and pass, checks written to himself as payee, each in the amount of \$500.00, and drawn on bank accounts under his control at the federally insured financial institutions listed below:

COUNT	DATE	FINANCIAL INSTITUTION & ACCOUNT NUMBER	CHECK NUMBER	FINANCIAL INSTITUTION DRAWN ON & ACCOUNT NUMBER
TWENTY-ONE	7/2/2010	Bank of Colorado 7415027906	1008	First National Bank of the Rockies 13011600128448
TWENTY-TWO	7/2/2010	Bank of Colorado 7415027906	1010	First National Bank of the Rockies 13011600128448
TWENTY-THREE	7/2/2010	Bank of Colorado 7415027906	2004	Bank of America 003250080282
TWENTY-FOUR	7/2/2010	Bank of Colorado 7415027906	9904	Bank of the West 012552737

TWENTY-FIVE	7/2/2010	Alpine Bank 7717185366	Starter Check	Bank of Colorado 7415027906
TWENTY-SIX	7/2/2010	Alpine Bank 7717185366	9902	Bank of the West 012552737
TWENTY-SEVEN	7/2/2010	Alpine Bank 7717185366	097	Wells Fargo 5739105475
TWENTY-EIGHT	7/2/2010	First National Bank of the Rockies 13011600128448	1001	American National Bank 71032117
TWENTY-NINE	7/2/2010	First National Bank of the Rockies 13011600128448	098	Wells Fargo 5739105475
THIRTY	7/2/2010	First National Bank of the Rockies 13011600128448	Starter Check	Academy Bank 3288568
THIRTY-ONE	7/6/2010	Alpine Bank 7717185366	1306	First Citizens Bank 80076915101
THIRTY-TWO	7/6/2010	Alpine Bank 7717185366	2005	Bank of America 003250080282
THIRTY-THREE	7/6/2010	Wells Fargo 5739105475	Starter Check	Academy Bank 3288568
THIRTY-FOUR	7/6/2010	Wells Fargo 5739105475	Starter Check	Bank of Colorado 7415027906
THIRTY-FIVE	7/6/2010	First National Bank of the Rockies 13011600128448	2007	Bank of America 003250080282
THIRTY-SIX	7/6/2010	First National Bank of the Rockies 13011600128448	1003	American National Bank 71032117
THIRTY-SEVEN	7/6/2010	First National Bank of the Rockies 13011600128448	9903	Bank of the West 012552737

THIRTY-EIGHT	7/7/2010	Wells Fargo 5739105475	1005	First National Bank of the Rockies 13011600128448
THIRTY-NINE	7/7/2010	Wells Fargo 5739105475	2006	Bank of America 003250080282
FORTY	7/7/2010	Wells Fargo 5739105475	1307	First Citizens Bank 80076915101

All in violation of Title 18, United States Code, Section 1344.

A TRUE BILL

Ink signature on file in the clerk's Office
FOREPERSON

JOHN F. WALSH
United States Attorney

s/ Michelle M. Heldmyer
MICHELLE M. HELDMYER
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Attorney for Plaintiff United States

DEFENDANT: Ayman Sayed Youssef

YOB: 1979

STATE: Egyptian National

COMPLAINT FILED? _____ YES ☒ NO

IF YES, PROVIDE MAGISTRATE CASE NUMBER: _____
IF NO, PROCEED TO "OFFENSE" SECTION

HAS DEFENDANT BEEN ARRESTED ON COMPLAINT? _____ YES ☒ NO

IF NO, A NEW WARRANT IS REQUIRED

OFFENSE: **COUNTS ONE THROUGH FORTY:**
Bank Fraud in violation of 18 U.S.C. §1344

LOCATION OF OFFENSE: Mesa County, Colorado

PENALTY: **COUNTS ONE THROUGH FORTY:**
NMT 30 years imprisonment; NMT \$1,000,000 fine or both such fine or imprisonment; NMT 5 years supervised release; \$100 special assessment.

AGENT: SA Gerard Kavanagh, DHS/ICE - HSI

AUTHORIZED BY: Michelle M. Heldmyer
Assistant U.S. Attorney

ESTIMATED TIME OF TRIAL:

_____ five days or less ☒ over five days _____ other

THE GOVERNMENT

☒ will seek pretrial detention in this case _____ will not seek pretrial detention in this case

The statutory presumption of detention is or is not applicable to this defendant. (Circle one)

OCDETf CASE: No ☒ Yes _____